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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,701	04/10/2001	Rajarshi Das	YOR20010151US1	1772
35195	7590	11/17/2006	EXAMINER	
FERENCE & ASSOCIATES 409 BROAD STREET PITTSBURGH, PA 15143			KESACK, DANIEL	
			ART UNIT	PAPER NUMBER
			3691	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/829,701	DAS ET AL.	
	Examiner	Art Unit	
	Dan Kesack	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9, 12-21, 24-29 and 31-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 12-21, 24-29, and 31-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment filed August 11, 2006 has been entered and fully considered. Claims 1-4, 6-9, 12-21, 24-29, and 31-49 are currently pending. Claims 5, 10, 11, 22, 23, and 30 are cancelled. The rejections are stated below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 4 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to recite "a significant change in parameters". The claims remain rejected under 35 U.S.C. 112, second paragraph, because it is unclear what would be considered a "significant change." Thus, the amount of change necessary to meet the claim language as being "significant" is undefined.

Claim Rejections - 35 USC § 103

4. Claims 1-4, 6-7, 9, 12-17, 21, 25-29, 31-32, 34-40, 43-45, 47 and 49 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Shoham, U.S. Patent No. 6,285,989, in view of Boyden, U.S. Patent Application Publication 2003/0036964.
5. Claims 18-20, 24, 41-42, 46 and 48 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Shoham, in view of Boyden, and further in view of Price Formation in Double Auctions by Gjerstaed and Dickhaut, already of record, hereinafter, Price Formation.
6. Claims 8 and 33 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Shoham, in view of Boyden, and further in view of Harrington et al., U.S. Patent No. 6,161,099.

Response to Arguments

7. Applicant's arguments filed August 11, 2006 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues that the valuation feature, as taught by Boyden, does not automatically augment a market history relating to an ongoing auction

with independent valuations based on their relevancy to the ongoing auctions (8/11/06 amendment, p19-20). Examiner respectfully disagrees. As cited in the previous Office Action, Boyden teaches augmenting market history (posted itemized valuation – paragraph 46) with previous market history (valuations from various sources, such as Kelly Blue Book – paragraph 60) wherein at least the fact that the system retrieves and augments valuations of the specific vehicle involved in the auction, may be considered augmenting “based on consideration of the relevancy of the previous market history to the ongoing auction”. In retrieving valuation data, the system only retrieves data relevant to the auction at hand.

Furthermore, the claim language recites, “automatically augmenting said market history with said previous market history.” Examiner has given the claim language its broadest reasonable interpretation. Examiner is of the opinion that a computer retrieving data, and adding the data to previously retrieved data may be considered “automatically augmenting” said data, even if the user manually requests that the data be retrieved. The augmentation is a process performed within the computer, which Examiner considers to be an automatic process, even if triggered manually by a user.

Regarding claims 24, 25, 27, and 46-49, Applicant has amended the claim to include the word “automatically” and argues that neither Shoham nor Boyden teaches, “*automatically* choosing an order computation method from a plurality of order computation methods,” as recited in the claims. Examiner respectfully disagrees. The environment of the Internet renders the system of Shoham automatic because the user

inputs commands, such as the command to place a proxy bid, as taught by Shoham, and the system automatically chooses the computation method associated with said command.

From Applicant's remarks, Examiner is of the opinion that Applicant has interpreted the claim language to be limiting to the system autonomously choosing a computation method, without any user input or interaction. However, Examiner respectfully contends that this interpretation is not enabled by Applicant's specification, and therefore Examiner's interpretation, as noted above, is a reasonable interpretation, in light of the specification. Paragraph 50 details the order computation methods of the current invention, reciting, "the belief-function method would be executed only if in H0 the number of orders or trades exceeds a specified threshold. Otherwise, in step 520 an alternative pricing algorithm is used." The specification goes on to recite various methods that may be used, one of which requires user input. Since the specification does not detail the conditions under which each method would be chosen "automatically", Examiner has interpreted the phrase "automatically choosing an order computation method" to include a user designating the method, and the system automatically processing the computation based on the user designation.

For at least these reasons, the prior art of record teaches the limitations of claims 24, 25, 27, and 46-49, as cited above.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Hani M. Kazimi', is written over a horizontal line.

HANI M. KAZIMI
PRIMARY EXAMINER